**THE HONOURABLE SRI JUSTICE V.ESWARAIAH**

**WRIT PETITION No :20838 of 2006**

**DATED:07-06-2007**

**BETWEEN:**

Madala Sudhakar & 2 others.

**..... PETITIONERS**

AND

The Commissioner of Police,
Vijayawada City & 2 others.

**.....RESPONDENTS**

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**ORDER:**

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the respondents in interfering with the business carried on by the petitioners, as illegal and arbitrary.

3. It is the case of the petitioners that the 1st petitioner is the Managing Director and 2nd petitioner is the Director of Janachaitanya Housing Limited, incorporated under the Companies Act on 01-05-1990, having its central office at Hyderabad and branches at Vijayawada and other places. It is stated that they have purchased Ac.78.51 ¼ cents of land of Nidamanuru village for Sai Sudha venture and an extent of Ac.52.79 ½ cents for Sai Durga venture of Pedapulipaka village. Whileso, the 3rd respondent filed a private complaint alleging that the petitioners purchased sites in Sy.Nos.81,82,83,40,41, and 42 of Pedapulipaka village and sold the plots for construction of houses without having any clear title or permission from the concerned department in respect of the conversion of lands from agricultural lands to residential houses, and the lay out approval from the Urban Development Authority. It is stated that the 3rd

respondent purchased six plots from the petitioners each in an extent of 209 sq.yards and the plot Nos.33,34,35,36,39, and 40 were allotted in her favour and the cost of each plot is about Rs.1,40,000/- and her husband and sons also joined in the scheme and purchased plots but on enquiry she came to know that the petitioners did not purchase the said land from the owner and they did not obtain any conversion of the land into plots and no approval has been obtained from the Urban Development Authority and therefore she was constrained to file a private complaint which was forwarded by the Metropolitan Magistrate under Section 156(3) Cr.P.C., and on receipt of the same the 2nd respondent registered Cr.No.409 of 2006 for the offences punishable under sections 420 and
409 IPC. It is further stated that in respect of the registration of the said case, the petitioners are being harassed and therefore they are constrained to file the present Writ Petition.

4. In the counter it has been stated that with reference to the private complaint only the 2nd respondent registered the case in Cr.No.409 of 2006 under Sections 420 and 409 IPC and investigation has been taken up, and during the course of investigation the statement of the private complainant was recorded and investigation was in process. It is stated that the police never interfered with the business activities of the petitioners but the petitioners with a view to divert the attention of the investigating officer filed this Writ Petition to prevent from taking any further action including arrest if any.

5. The only grievance of the petitioners is that the police are unnecessarily interfering with their business activities and illegally implicating them in the criminal case without any commission of any offence whatsoever.

6. A perusal of the averments made in the Writ Petition and the counter goes to show that the police never implicated the petitioners in any case and in fact, a private complaint has been filed by the 3rd respondent which was referred by the concerned Magistrate and therefore, there is no other option except to register the case, and two crimes are pending against the petitioners and the petitioners are not seeking to quash the said crimes as the petitioners cannot seek to quash the said proceedings as it cannot be said that the said crimes do not disclose any cognizable offence. If the contents of the complaint proved to be true and correct that cognizable offences are made out then action requires to be taken against the petitioners.

7. In view of the denial in the counter that the police never interfered with the business activities of the petitioners except taking appropriate steps to complete investigation the petitioners are not entitled to seek any relief.

8. Accordingly, the Writ Petition is dismissed. No order as to costs.

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**V.ESWARAIAH,J**

07th June, 2007.

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